

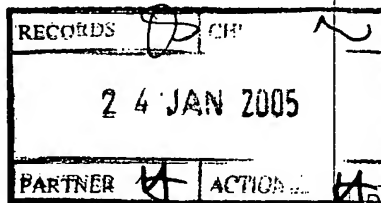
# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

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WRITTEN OPINION OF THE  
INTERNATIONAL PRELIMINARY  
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing (day/month/year)		20.01.2005	
Applicant's or agent's file reference BEAC/P29870PC		<b>REPLY DUE</b> <b>within 2 month(s)</b> from the above date of mailing	
International application No. PCT/GB2004/000472	International filing date (day/month/year) 06.02.2004	Priority date (day/month/year) 07.02.2003	
International Patent Classification (IPC) or both national classification and IPC A61M35/00, B05B15/12			
Applicant BEAUTY SOURCE LTD et al.			

1. ☒ The written opinion established by the International Searching Authority:  
     ☒ is           ☐ is not  
     considered to be a written opinion of the International Preliminary Examining Authority
2. This first report contains indications relating to the following items:
  - ☒ Box No. I      Basis of the opinion
  - ☐ Box No. II     Priority
  - ☐ Box No. III    Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - ☐ Box No. IV    Lack of unity of invention
  - ☒ Box No. V     Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - ☐ Box No. VI    Certain documents cited
  - ☒ Box No. VII    Certain defects in the international application
  - ☒ Box No. VIII   Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.  
  

**When?**      See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).  
**How?**        By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.  
**Also:**        For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. . For an informal communication with the examiner, see Rule 66.6. For an additional opportunity to submit amendments, see Rule 66.4.  
**If no reply is filed,** the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 07.06.2005

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Innecken, A  Telephone No. +49 89 2399-8911
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**WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY**

International application No.  
PCT/GB2004/000472

**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this opinion is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed")*:

**Description, Pages**

1, 4, 9-11, 14-19, 21-28	as originally filed
2, 3, 3a, 5-8, 12, 13, 13a, 20	received on 02.12.2004 with letter of 30.11.2004

**Claims, Numbers**

1-38	received on 02.12.2004 with letter of 30.11.2004
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**Drawings, Sheets**

1/13-13/13	as originally filed
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- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

**WRITTEN OPINION OF THE INTERNATIONAL  
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International application No.  
PCT/GB2004/000472

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**Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-26,28,30-34
	No: Claims	27,29
Inventive step (IS)	Yes: Claims	1-26,28,30-34
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-26,28,30-34
	No: Claims	

2. Citations and explanations:

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Novelty, inventive step and industrial applicability (Item V)**

**Independent claims 1 and 30**

1. Independent claims 1 and 30 meet the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.
2. The subject-matter of independent claims 1 and 30 is novel as none of the prior art documents cited in the Search Report or acknowledged in the description discloses all of the features or method steps, respectively, of these independent claims.
3. The documents cited in the Search Report do not render any suggestion to a skilled person to construct a tanning booth for accommodating a person as disclosed in **EP1238642A (D1)** according to the further features or steps of either of independent claims 1 or 30. The features concerning the arrangement of a first filter for filtering wet particulate material; and a fourth filter comprising a relatively high impedance for filtering dry particulate material, wherein the first filter is positioned within the duct in a lower portion of the duct associated with the second plenum and the one or more foot plates, and the fourth filter is associated with one or more input grills, result from a step being non-obvious in view of the cited prior art documents in which no incentive is given to provide this specific structure and arrangement. Thus the tanning booth for accommodating a person and the method for applying a product to a human body, respectively, according to independent claim 1 or 30 involves an inventive step.
4. The subject-matter of independent claim 1 is able to work, can be manufactured, and the method steps of independent claim 30 can be carried out. Thus the subject-matter of claim 1 and the method of claim 30 is looked upon as being industrially applicable.

**Independent claims 27 and 29**

5. Claim 27 does not comprise all of the features of one of claims 16 to 26 as it only relates to a "tool according to any one of claims 16 to 26". Thus claim 27 has to be regarded as independent claim. The tools mentioned in any one of claims 16 to 26, however, are defined in very general terms such that "a tool according to any one of claims 16 to 26" and, likewise, the method for applying a product to a human body using the tool of claim 27" according to claim 29 cannot be novel with respect to the prior art.

**Dependent claims 2 to 26, 28, and 31 to 34**

6. Dependent claims 2 to 26, 28, and 31 to 34 define further advantageous and non-obvious variations of the tanning booth for accommodating a person according to independent claim 1 or the method for applying a product to a human body of claim 30 and thus equally meet the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.

**Certain defects in the international application**

7. Independent claims 1 and 30 are not drafted in the correct two part form specified in Rule 6.3b) of the PCT.
8. Reference numerals are missing after the technical features of the claims (see Rule 6.2b) and PCT Preliminary Examination Guidelines, Chapter III, 4.11).
9. The description does not cite document **EP1238642A (D1)** reflecting the closest background art (see Rule 5.1a) ii) PCT).

**WRITTEN OPINION OF THE INTERNATIONAL  
PRELIMINARY EXAMINING AUTHORITY  
(SEPARATE SHEET)**

International application No.

PCT/GB2004/000472

**Certain observations on the international application**

10. Claims 1 and 30 mention a "first" and a "fourth" filter without there being a "second" and "third" filter.
11. Claims 1 and 30 mention a "relatively high impedance filter" without giving a reference impedance.
12. Claim 32 is erroneously related to a "booth" according to claim 30 or claim 31. These claims, however, define methods.
13. Independent claim 35 does not contain any technical features as it relates to a computer program per se.
14. Independent claims 36 to 38 do not meet the requirements of Article 6 PCT as they rely on a reference to the description and drawings (see PCT Preliminary Examination Guidelines, Chapter III, 4.10).
15. Thus claims 1, 30, 32, and 35 to 38 of the present Application do not comply with the requirements of Article 6 PCT in that they are not clear.